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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RAYMOND JOEL LUTHER SR,

12 Plaintiff,

13 v.

14 PAT GLEBE.

15 Defendant.

16 CASE NO. C11-5387-RJB-JRC

17 ORDER ADOPTING A REPORT
18 AND RECOMMENDATION

19 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
20 Richard Creature, objections to the Report and Recommendation, if any, and the remaining
21 record, does hereby find and ORDER:

- 22 1. The Court adopts the Report and Recommendation;
- 23 2. Defendant's motion for judgment on the pleadings is GRANTED. This
24 action is dismissed WITH PREJUDICE.
- 25 3. Plaintiff has failed to plead any facts that implicate the only named
26 defendant. While plaintiff complains of medical treatment, he does not
27 show that the superintendent of the prison plays any part in medical
28 decisions.
- 29 4. Plaintiff was given leave to file an amended complaint. When he failed to
30 take any timely action leave to amend the complaint was withdrawn.

5. The Clerk is directed to send a copy of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 6th day of March,2011.

Robert J. Bryan

ROBERT J. BRYAN
United States District Judge